

# Exhibit 26

A FAX MESSAGE FROM:

**SMITH HIMMELMANN**  
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Reply FAX Number: 808-538-1382

DATE: August 28, 2002

TO: Michael P. Jones, Chief, Federal Fire Department  
c/o Hazel E. Wong, Labor Advisor  
OF: COMNAVREG - Hawaii (Code N01CP.1B, HRO)  
FAX Number: 474-3598 @ <08>

FROM: Elbridge W. Smith

RE: Milton K. Kaopua, Supv. Firefighter (Capt)

This is to advise you of three (3) typo mistakes in my fax letter to you of last night regarding this same matter. Near the middle of the second page I used Mr. Kaopua's name when I should have used Mr. Abad's name three times, relating to the threat, to disciplinary action and to firearms. The errors and corrections are noted here:

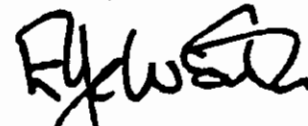
"Mr. ~~Kaopua~~ Abad threatened Mr. Kaopua's life, to a police officer. When served with the TRO, we are told that ~~he~~ Mr. Abad gave up an illegal firearm to the police. In what sense has the Fire Department's "Zero Tolerance" policy for violence and threats been practiced and upheld?

"Has any disciplinary action of any kind been taken against Mr. ~~Kaopua~~ Abad by the Fire Dept? What assurances do you have, and can you give, that Mr. Abad will not repeat this threat or act on his threat?

"Does Mr. ~~Kaopua~~ Abad own or possess any other firearms? How do you know?"

I apologize if these errors caused you any inconvenience.

Most sincerely yours,  
SMITH HIMMELMANN

  
Elbridge W. Smith

cc: Milton Kaopua  
Shepard Ginandes, MD  
fc: Dr. Robert Davé, PhD  
Jamie Neill, RN (OWCP)

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SHEPARD GINANDES, M.D.  
Diplomate, American Board of Psychiatry  

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Psychiatry • Hypnosis • Forensic Psychiatry

8-29-02

c My patient Milton Kaopua remains disabled from work. He has recovered sufficiently to enable him to transition back into his job as Fire Captain at the Lualualei station. i will provide a progress update within 30 days depending upon any actions by employer to meet safety concerns. (See attorney's letter of 8-27-02).

Unless such affirmative responses are made by employer, I cannot release him to work for 6 months to one year.



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